

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOEL P. ALCARMEN, ALMA S. VALDEZ,

Plaintiffs,

v.

**J.P. MORGAN CHASE BANK F/K/A
WASHINGTON MUTUAL BANK, *et al.*,**

Defendants.

Case No.: 13-CV-1575 YGR

**ORDER DIRECTING PLAINTIFFS TO SHOW
CONTINUED INTENT TO PROSECUTE THIS
ACTION**

This wrongful foreclosure case was filed by pro se plaintiffs Joel P. Alcarmen and Alma S. Valdez ("Plaintiffs"). On November 20, 2013, Defendant J.P. Morgan Chase Bank moved for summary judgment against Plaintiffs on all counts. (Dkt. No. 26.) On January 2, 2014, Plaintiffs filed a document styled as an opposition to Defendant's summary judgment motion. (Dkt. No. 30 ("Opposition").) The Court determined, however, that Plaintiffs' Opposition suffered from "technical and other deficiencies" that were "severe enough that Plaintiffs have yet to participate meaningfully in the summary judgment process." (Dkt. No. 31 at 2.) Pursuant to Federal Rule of Civil Procedure 56(e)(4), the Court struck the Opposition, issued a *Rand*¹ notice apprising Plaintiffs of what is required to oppose a motion for summary judgment, referred them to the Court's Legal Help Center, and ordered Plaintiffs to file an amended opposition brief by February 14, 2014. (*Id.* at 2-3.) The Court warned Plaintiffs that they were receiving "one last chance" to respond. (*Id.* at 2.)

Plaintiffs' deadline to file their amended opposition brief has passed and Plaintiffs have neither filed that brief nor otherwise communicated with the Court. Accordingly, the Court **ORDERS**

¹ See *Rand v. Rowland*, 154 F.3d 952, 962-63 (9th Cir. 1998).

1 Plaintiffs to show their continued intent to prosecute this action. Plaintiffs are hereby notified that
2 the law permits the Court to dismiss their case if they "fail to prosecute" it, that is, if they fail to meet
3 deadlines and otherwise keep the litigation moving forward. *See* Fed. R. Civ. P. 41(b). Plaintiffs are
4 hereby notified that if they fail to respond to this Order by the deadline, the Court will dismiss their
5 case "with prejudice." That means the case will be over, Plaintiffs will have lost, and Plaintiffs will
6 not be permitted under the law to file a new case against these Defendants if the new case is based on
7 the same wrongs alleged in this case.

8 Plaintiffs are hereby **ORDERED** to file an amended opposition brief no later than **Monday,**
9 **March 3, 2014.** Any reply to an opposition is now due March 10, 2014. The Court **VACATES** the
10 motion hearing currently set on March 4, 2014, to be rescheduled if necessary.

11 **If Plaintiffs fail to file their amended opposition brief on or before March 3, 2014, the**
12 **Court may dismiss their case with prejudice for failure to prosecute.**

13 **IT IS SO ORDERED.**

14
15 Date: February 21, 2014

16 
17 **YVONNE GONZALEZ ROGERS**
18 **UNITED STATES DISTRICT COURT JUDGE**